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Tenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1603 (2005) of 3 June 2005, by which the Council requested me to keep it regularly informed of developments in Côte d'Ivoire and on the implementation of the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI). The report covers developments since my report of 17 July 2006 (S/2006/532).

II. Political developments

2. During the reporting period, Prime Minister Charles Konan Banny, supported by the United Nations, regional leaders and other international partners, made commendable efforts to use the last three months before the 31 October 2006 deadline for the elections to accelerate the implementation of the key tasks relating to the disarmament of combatants, the identification of the population and the re-establishment of State authority throughout the country. To that end, the Prime Minister focused on achieving the benchmarks agreed upon during the high-level meeting of Ivorian and regional leaders, which I convened in Yamoussoukro on 5 July 2006. However, as indicated in paragraphs 5 to 19 below, implementation of the decisions of the Yamoussoukro meeting encountered deliberate obstruction resulting in a new stalemate.

3. The impasse emanated mainly from major disagreements among the Ivorian parties on fundamental issues concerning the procedures for issuing certificates of nationality and the related preparation of the voters' list. These disagreements also stalled the implementation of the pre-cantonment phase of the disarmament, demobilization and reintegration process, which was to be implemented concomitantly with the initial phase of the identification process. At the same time, the dismantling of militias was suspended on account of the low number and poor quality of the weapons and ammunitions surrendered.

4. In the meantime, the Prime Minister continued to face constraints in exercising his authority under Security Council resolution 1633 (2005). In particular, he lacked authority over the Defence and Security Forces and did not have full control over public funding for the key aspects of the transition process, especially disarmament,

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identification, the re-establishment of State authority throughout the country and the electoral preparations.

A. Implementation of the Yamoussoukro benchmarks

Identification of the population

5. The Yamoussoukro high-level meeting, which I convened on 5 July, had agreed that 50 mobile courts were to be deployed by 15 July, public hearings would be conducted and birth certificates and certificates of nationality would be issued to those eligible. Implementation of that decision started on 17 July. However, the total number of operational mobile courts never exceeded 25. In the southern part of the country, the mobile courts were immediately disrupted by supporters of the ruling Front populaire ivoirien (FPI) party. The President of the party, Affi N'Guessan, called upon its followers to oppose the operations of the mobile courts "by all means", claiming that the issuance of certificates of nationality by such courts was inconsistent with the law. In addition, despite the joint monitoring mechanism put in place by UNOCI and the High Representative for the elections, Gérard Stoudmann, President Laurent Gbagbo and his party, FPI, insisted that the mobile court hearings could be used fraudulently to grant Ivorian citizenship to those who were not eligible.

6. The attempts by FPI supporters, in particular the Young Patriots, to disrupt the operations of the mobile courts, led to violent clashes with the opposition parties. In Divo and Grand-Bassam, the clashes resulted in the death of at least eight Ivorians on 22 and 23 July. The violent disruption campaign continued until early August, when the Prime Minister announced new guidelines, based on a strict interpretation of the nationality law, which prohibited the mobile courts from issuing certificates of nationality. According to the law, there are only 34 designated courts in the country that can issue certificates of nationality. Such a small number of courts would be inadequate to handle the estimated caseload of some 3 million Ivorians expected to apply for certificates of nationality. Furthermore, the courts are inaccessible to the vast majority of the potential applicants and they are unevenly distributed between the northern and southern parts of the country. The opposition parties rejected the new guidelines, arguing that the public hearings conducted by mobile courts had been legally used to issue certificates of nationality prior to the conflict and that no law expressly prohibited the practice.

7. After the proclamation of the new guidelines, the number of persons appearing before the mobile courts dropped precipitously. By mid-September, the operations of the mobile courts, which were initially scheduled to run for two months, had completely stopped in all areas. Between 17 July and 15 September, only 933 mobile court hearings were held (327 in the southern part of the country, 583 in the northern part of the country and 23 in the zone of confidence), and some 74,000 birth certificates and 70,000 certificates of nationality were issued. UNOCI provided logistical support for the operation, including transporting prefets and sous-prefets to the areas controlled by the Forces nouvelles.

Disarmament, demobilization and reintegration

8. With regard to disarmament, the Yamoussoukro meeting had decided that a monitoring group, comprised of the National Armed Forces of Côte d'Ivoire (FANCI), the Forces nouvelles, UNOCI and the French Licorne force, would be established by 15 July, and that the pre-cantonment of combatants would be completed by 31 July. Although the monitoring group was established on 13 July, the Forces nouvelles suspended its participation in the group and in the dialogue on military issues in reaction to the proclamation of the new guidelines on the operations of the mobile courts. They argued that the guidelines violated the agreed principle of conducting the initial phases of the disarmament and identification processes concomitantly. The monitoring group has therefore not been able to verify the claims by the Forces nouvelles and FANCI that they had completed the pre-cantonment of their respective combatants (24,000 FANCI personnel and 13,000 Forces nouvelles elements).

9. With the breakdown of the military dialogue, many combatants were reported to have left the pre-cantonment sites and returned to their deployment areas. In addition, despite UNOCI efforts, the two sides have not yet submitted the lists of their combatants and weapons. Furthermore, the Forces nouvelles are now insisting that the restructuring of the national army must be implemented immediately, as part of the disarmament, demobilization and reintegration process. To that end, they have called for the establishment of an integrated command under the authority of the Prime Minister.

Dismantling and disarmament of militias

10. The Yamoussoukro high-level meeting had also envisaged that the dismantling and disarming of the militias would be completed by 31 July. The process started in the western part of the country on 26 July. The National Programme for Disarmament, Demobilization and Reintegration (PNDDR) registered 981 combatants who surrendered only 110 mostly unserviceable weapons and some 6,975 assorted rounds of ammunitions before the process was suspended on 4 August on account of the low number and poor quality of the surrendered weapons. Efforts to resume the process in a more credible fashion have not yet succeeded, and the militia leaders are demanding that an additional 3,000 individuals be allowed to join the programme. UNOCI provided logistics support to the PNDDR Operational Centre, as well as technical expertise to PNDDR on disarmament procedures and on the storage of weapons and ammunitions.

Preparations for the elections

11. The Yamoussoukro meeting also took a number of decisions related to the preparation of elections. First, it decided that President Laurent Gbagbo would issue a decree to allow the Independent Electoral Commission to make any technical adjustments to the electoral code of 2000 deemed necessary, in order to facilitate the transitional elections. On 29 July, the President signed a decision empowering the Commission to submit to the Prime Minister its proposed amendments to the electoral code. The Prime Minister would, in turn, assess the proposed amendments and refer them to the President for promulgation.

12. The leader of the Parti démocratique de Côte d'Ivoire (PDCI), Henri Konan Bédié, and the leader of the Rassemblement des Républicains (RDR), Alassane

Ouattara, wrote to me on 17 August to convey their concern that President Gbagbo had not been following the consultative process established by the African Union mediator, President Thabo Mbeki of South Africa, for issuing such decisions, which have crucial implications for the electoral process. They also contended that the decision gave the President the final say on matters governing an election in which he would be a candidate.

13. On this question, the High Representative for the elections noted that the decision retained the essential need for the Independent Electoral Commission to initiate proposals and contained safeguards against abuse, which included the Prime Minister's assessment and certification by the High Representative.

14. The Yamoussoukro decisions also called upon the Independent Electoral Commission to establish countrywide structures by 31 July. Under its operational plan, the Commission intended to establish 24 regional commissions, 48 departmental commissions and 358 local commissions. So far, 19 regional commissions have been established. From the outset, the deployment of the regional and local commissions has been hampered by several factors, including inadequate funding and organizational capacity, as well as security concerns. An additional constraint is the electoral law, which provides that each subnational commission must have the same membership composition as the central commission, which has 31 members. This would require a total of some 33,000 commissioners, most of whom must be members of political parties signatory to the Linas-Marcoussis Agreement, which makes it impracticable. The High Representative for the elections has suggested that the extraordinary procedures for changes to the electoral law should be used to reduce the size of local commissions.

15. The Yamoussoukro high-level meeting also reaffirmed the validity of the Pretoria Agreement of 29 June 2005, including its paragraph 6, which referred to the respective roles of the Independent Electoral Commission and the National Institute of Statistics in the electoral process. President Gbagbo and his supporters are adamantly opposed to the preparation of a new voters' roll and maintain that the voters' list used during the 2000 elections should simply be updated by the Institute. The opposition parties, for their part, have rejected the voters' list used in 2000 and insist that a new voters' roll must be prepared by the Commission, and not the Institute, on the basis of the identification process.

16. On 19 July, in response to a formal request from President Gbagbo, President Mbeki, in his capacity as the African Union mediator, clarified the disputed roles of the two institutions, reaffirming the exclusive responsibility of the Independent Electoral Commission for organizing the elections and indicating that the National Institute of Statistics should report directly to the Commission. The opposition parties are, however, concerned that the top posts at the Institute are dominated by officials who also have formal roles in the leadership of the ruling party. This stalemate could be resolved by replacing the identified FPI-affiliated officers with non-partisan individuals.

17. The Yamoussoukro meeting also decided that a donors' conference would be convened to mobilize funding for the elections as soon as the electoral preparations had made sufficient progress. The operational budget for the elections is approximately $74 million and there is still a funding gap of some $39 million. However, the progress made in the technical preparations for the elections has not been adequate to warrant the convening of the envisaged conference.

Redeployment of State administration

18. With regard to the re-establishment of State administration in the northern part of the country, which was one of the benchmarks set in Yamoussoukro, the Prime Minister reported on 8 September to the International Working Group established by the Security Council under resolution 1633 (2005), that 92 mayors' offices had been reopened as of 24 August, and that 61 officials had been redeployed to their prefectures by 31 August. To date, some 12,000 displaced civil servants are yet to return to the areas controlled by the Forces nouvelles.

Establishment of a compulsory code of conduct for the media

19. With regard to the incitement of violence through the media, the Yamoussoukro meeting decided that there should be a code of conduct for the media. UNOCI has assisted the media regulatory bodies in preparing a draft code of conduct, but it has not yet been implemented.

B. Efforts to break the political stalemate

20. On 5 September, Prime Minister Banny convened in Yamoussoukro a further meeting of the main Ivorian political leaders (President Gbagbo, former President Bédié, former Prime Minister Ouattara and Forces nouvelles leader Guillaume Soro) in an effort to reach agreement on measures to break the stalemate in the peace process. Their discussions focused on proposals by the Prime Minister for the adoption of extraordinary measures to allow the issuance of certificates of nationality to eligible Ivorians. The meeting, however, failed to secure an agreement on this crucial issue, and the political leaders requested Prime Minister Banny to continue his search for alternative solutions.

21. The impasse in the peace process was further compounded by the dissolution of the transitional Government by Prime Minister Banny on 6 September, following a scandal created in late August by the dumping of toxic waste in Abidjan by a foreign vessel. Although the Prime Minister announced a new Government on 16 September, in which he replaced the Ministers of Transport and Environment, the toxic waste crisis sidetracked the efforts to break the impasse in the peace process. For several weeks, the Ivorian youth held demonstrations, which at times turned violent, in the commercial capital against the dumping of the toxic waste.

22. On 8 September, the International Working Group met in Abidjan and adopted a communiqué (S/2006/738, annex) in which it concluded that it was no longer possible to meet the 31 October 2006 deadline for the elections. The Working Group identified the main obstacles to the peace process and recommended that, in view of the expiration of the transition period on 31 October, the Security Council adopt a new resolution on Côte d'Ivoire that would eliminate the ambiguities in the current transition arrangements and reinforce the powers of the Prime Minister.

23. The Chairman of the African Union, President Denis Sassou-Nguesso of the Congo, visited Côte d'Ivoire on 11 and 12 September and discussed with President Gbagbo, Prime Minister Banny, Mr. Bédié, Mr. Ouattara and Mr. Soro further possible measures to resolve the stalemate over the procedures for issuing certificates of nationality. However, the compromise solution proposed by President Sassou-Nguesso was not accepted by one of the parties.

24. On 20 September, I convened a follow-up meeting of the Ivorian and regional leaders, in the margins of the sixty-first session of the General Assembly, in New York, as agreed during the 5 July high-level meeting in Yamoussoukro. One week before the meeting, by which time all the other leaders had confirmed their participation, I received a letter from President Gbagbo informing me that he would not attend the meeting. He stated that he intended to present his own proposals on the Ivorian peace process at a meeting of the African Union. The letter followed a number of public statements by the President rejecting the communiqué issued by the International Working Group on 8 September and asserting that the time for negotiations was over.

25. In my letter of reply, I expressed regret at President Gbagbo's decision not to attend this important meeting and reminded him that the decision to convene the follow-up meeting in New York had been taken with his full consent. I also pointed out that the views emerging from the follow-up meeting would be conveyed to the Economic Community of West African States (ECOWAS), the African Union and the Security Council, so that those bodies would take them into account when they meet to decide on the way forward on Côte d'Ivoire. As such, the follow-up meeting was not intended to replace the envisaged meetings of ECOWAS, the African Union and the Security Council.

26. Prime Minister Banny, Mr. Bédié, Mr. Ouattara and Mr. Soro, as well as the African Union Chairman, President Sassou-Nguesso of the Congo, President Blaise Compaoré of Burkina Faso, President John Agyekum Kufuor of Ghana, President Mbeki of South Africa, the Foreign Ministers of Mali, the Niger and Nigeria, the Chairman of the African Union Commission, Alpha Oumar Konaré, and the Executive-Secretary of ECOWAS, Mohammed Ibn Chambas, participated in the meeting. In opening the meeting, I stressed the special significance of its timing, noting that, with only six weeks before the end of the transition period in Côte d'Ivoire, the peace process was at a stalemate, and it was no longer technically feasible to hold elections by 31 October 2006. I therefore proposed that, in addition to taking stock of progress towards meeting the benchmarks agreed upon in Yamoussoukro and discussing measures needed to break the political stalemate, the meeting should discuss the way forward after 31 October and the measures to be taken to ensure that a new transition period would not end without elections again.

27. Prime Minister Banny, my Special Representative Pierre Schori and the High Representative for the elections, Gérard Stoudmann, provided an assessment of the implementation of the decisions of the Yamoussoukro meeting of 5 July, along the lines indicated in paragraphs 5 to 19 above. In their statements, the participants recognized that it was no longer technically feasible to organize and conduct elections in Côte d'Ivoire by 31 October 2006. The Ivorian political leaders provided their views on the fundamental causes of the current stalemate in the peace process. They and many of the participating regional leaders acknowledged that an extension of the transition period was necessary, and that a new transition process should guarantee the holding of credible elections.

28. Prime Minister Banny stressed the need for urgent measures to resolve the impasse on the procedures for issuing certificates of nationality, in order to enable the Government to make as much progress as possible in the remaining weeks before the end of the transition period on 31 October. President Mbeki, however, expressed the view that it would not be appropriate for the meeting to decide on those

crucial issues in the absence of President Gbagbo and FPI. The participants agreed that it was important for ECOWAS, the African Union and the Security Council to decide, without delay, on measures to break the impasse and on the extension of the transition period with arrangements that would guarantee the holding of elections. The Executive Secretary of ECOWAS announced that he intended to propose the convening of an extraordinary summit of ECOWAS to discuss those issues. The ECOWAS summit was subsequently held in Abuja on 6 October.

29. In a further effort to resolve the political impasse, on 25 September, President Mbeki travelled to Abidjan, where he met with President Gbagbo and Prime Minister Banny. On 26 September, Presidents Mbeki and Gbagbo proceeded to Ouagadougou for consultations with President Compaoré. Meanwhile, in separate letters addressed to the Chairman of the African Union, President Sassou-Nguesso, the Forces nouvelles, RDR, and PDCI demanded the termination of President Mbeki's role as the African Union mediator in the Ivorian crisis, alleging that his mediation efforts had not been impartial. The stalemate in the peace process remained unresolved up to the time of the ECOWAS summit on 6 October.

30. The ECOWAS summit issued a final communiqué in which it reaffirmed that, for ECOWAS, Security Council resolution 1633 (2005) remained an ideal framework for resolving the Ivorian crisis. It also recommended that the Security Council take all necessary measures to address the obstacles to the implementation of the resolution. In a closed session, the ECOWAS leaders agreed on specific recommendations that were not made public. These important proposals will be considered by the Peace and Security Council of the African Union at a meeting scheduled to take place in Addis Ababa on 17 October. The African Union will, in turn, present its decisions to the Security Council.

III. Security situation

31. During the period under review, the security situation in Côte d'Ivoire remained unpredictable, mainly as a result of the tension created by the disruption of the operations of the mobile court hearings, the conditions facing the combatants who had assembled at pre-cantonment sites that had no adequate facilities, the disagreements between PNDDR and militia leaders over the implementation of the programme for dismantling and disarming militias, the toxic waste scandal, inflammatory statements by political leaders, posturing by the political parties as the end of the transition period approached with the peace process at an impasse and a series of strikes and protests by public servants and personnel from the gendarmerie.

32. Several violent incidents in the zone of confidence led to new displacements of populations in the area during the reporting period. The impartial forces have increased efforts to curb violent crime in the zone, in order to facilitate the return of the displaced persons. The deficiencies of the Ivorian judicial system have however impeded the efforts to stabilize the area. In the western part of the country, the presence of armed militiamen and persistent land disputes perpetuated a climate of insecurity.

33. Violent crime has spread beyond Abidjan to other areas, mainly Bouaké, Korhogo and the western part of the country. Armed burglaries and street robberies as well as checkpoint racketeering are now relatively common in the southern and northern parts of the country, while highway robberies by so-called "*coupeurs de*

route" are endemic in the western part of the zone of confidence and in the northern part of the country.

34. UNOCI and the French Licorne force continued to face obstructions to their operations, in particular their arms embargo and monitoring activities. In addition, recent inflammatory statements by the President of the ruling party, Mr. N'Guessan, calling for the departure of the French Licorne force from Côte d'Ivoire, as well as public calls by President Gbagbo for the "lifting" of the zone of confidence, could exacerbate tensions and lead to an increase in the obstruction to the freedom of movement of the two forces.

35. On 2 October, Mr. N'Guessan issued another inflammatory statement threatening violence against ECOWAS nationals living in Côte d'Ivoire, if the ECOWAS summit of 6 October failed to take a decision to force the Forces nouvelles to disarm. The former Speaker of the erstwhile National Assembly, Mamadou Koulibaly, reiterated that threat on 6 October. In a statement released on 5 October, I deplored the inflammatory remarks made by Mr. N'Guessan and called upon all Ivorian political leaders and their followers to exercise the utmost restraint at this critical juncture. ECOWAS issued a similar statement on 4 October.

IV. Deployment of the United Nations Operation in Côte d'Ivoire

A. Military component

36. As of 6 October 2006, the strength of UNOCI stood at 8,045 military personnel against the authorized ceiling of 8,115. The deployment of the 1,025 additional military personnel, approved by the Security Council in its resolution 1682 (2006), has been completed. In this regard, a mechanized infantry battalion from Jordan was deployed in Abidjan to enhance the operational capabilities of UNOCI in the city. An infantry company from Benin was deployed in the western sector to reinforce the Benin battalion's positions in that highly volatile region.

37. The Sous-Groupement de sécurité, which provides security to members of the Government, was strengthened by an additional 73 gendarmes from Benin, Ghana, the Niger, Senegal and Togo. Ghana also provided the long-awaited aviation unit, which is stationed in Bouaké.

38. Although the deployment of these reinforcements has enhanced UNOCI force capabilities, there is still a significant shortfall, as mentioned in my previous reports, in the number of troops required to support effectively the implementation of the road map for peace, should the peace process make sustained progress. This troop deficit could also become critical in the near future, should there be a major deterioration of security situation in Côte d'Ivoire. In this regard, I urge the Security Council to keep the troop strength of UNOCI under review, with a view to authorizing the deployment of the remaining three battalions, out of the four recommended in my report of 3 January 2006 (S/2006/2).

39. UNOCI has also made substantial progress towards enhancing the efficiency of its troops. To that end, most components of the UNOCI force have received basic training in crowd control in order to enhance their ability to protect United Nations personnel and property and to support the formed police units in the event of widespread violent actions by unarmed civilians. All the new units inducted in the

Operation during the reporting period comprise elements equipped and trained to face hostile crowds with non-lethal force.

40. At the inter-mission Force Commanders Conference, which took place on 9 June 2006, the Force Commanders of the United Nations Mission in Liberia (UNMIL) and UNOCI decided to conduct concurrent patrols along the Côte d'Ivoire-Liberia border in order to increase the United Nations security presence, monitor and deter cross-border movements, establish cross-border liaison and reassure the local population. Coordinated patrols in border areas were temporarily suspended in September owing to troop rotation but resumed in early October.

41. The military leadership of UNOCI has maintained close contacts with the command of the Ivorian Defence and Security Forces and the Forces nouvelles to secure their continued commitment to the military dialogue and their cooperation in stabilizing the overall security situation. As a result of several meetings of the UNOCI Force Commander with the Minister of Defence and the chiefs of Staff of FANCI and the Forces nouvelles, the latter have agreed, in principle, to resume the military dialogue by the end of October 2006.

B. Police component

42. As of 9 October 2006, the strength of the UNOCI police component stood at 949 personnel, including five formed police units totalling 625 police personnel, against an authorized strength of 1,200 police personnel. The temporary shortfall is primarily due to a delay in the deployment of one of the three additional formed police units authorized by the Security Council under resolution 1682 (2006). Two additional formed police units, from Jordan and Bangladesh, arrived in Côte d'Ivoire in August and September and have been deployed, respectively, to Abidjan and Yamoussoukro. The third additional formed police unit should arrive by mid-November.

43. The remainder of the United Nations police officers are deployed in 18 sites nationwide, including nine locations in the areas controlled by the Forces nouvelles, two in the zone of confidence and seven in the Government-controlled areas. They continue to train gendarmes and police officers, as well as mentor and advise local security forces. In Abidjan, joint patrols with Ivorian Defence and Security Forces are undertaken on a daily basis, and allow United Nations police officers to mentor and provide technical advice to the local law enforcement agencies. In the northern part of Côte d'Ivoire, measures are being taken to deploy the security auxiliaries trained by the United Nations police in 2005 to newly constructed police stations, funded by the European Union, where United Nations police officers will continue to mentor them.

V. Judicial system

44. During the period under review, UNOCI continued to monitor the performance of the judicial system in Côte d'Ivoire. On 5 August, President Gbagbo issued a decree nominating judges nationwide. The decree exacerbated political tensions, as the opposition argued that the President had not followed the law in making the appointments. The appointment of judges is a particularly sensitive issue in the Ivorian context given their role in delivering certificates of nationality.

45. In August 2006, UNOCI published a major report on the functioning of the prison system nationwide, providing a detailed evaluation of the conditions of detention in all prisons in Côte d'Ivoire. The report makes recommendations for immediate and structural improvements in the corrections system. UNOCI is currently training 12 local trainers as part of the implementation of these recommendations. A project developed with UNOCI assistance to refurbish eight prisons, including two in controlled areas by the Forces nouvelles, will be funded by the European Union for 1 million euros. UNOCI also developed a prison farm project with the non-governmental organization Prisoners without Borders and local prison administration authorities, which was submitted for donor funding.

VI. Humanitarian situation

46. In mid-August, over 580 cubic metres of toxic petrochemical waste from a foreign cargo ship were dumped at 18 sites in Abidjan. The resulting contamination caused the death of eight people, while some 100,000 others received medical treatment. The United Nations system assisted the Government in providing an emergency response to this environmental and public health crisis, supplying drugs to 32 health centres, treating affected people, testing the quality of drinking water and providing basic equipment to secure the dumping sites.

47. The United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) provided medicines worth over $150,000 to health facilities treating the affected populations, while the United Nations Development Programme donated protective gear and cordoning material, and WHO deployed a team of highly specialized staff, including a chemical toxicologist and an environmental health expert. The United Nations Industrial Development Organization sent an expert to determine whether the chemicals were recognized as dangerous under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the United Nations Environment Programme announced that it would investigate the legal aspects of the incident through the secretariat of the Basel Convention.

48. The Office for the Coordination of Humanitarian Affairs deployed a disaster assistance and coordination team, comprising environmental and chemical experts, to provide technical assistance and support coordination efforts, while a private French company launched a cleaning-up operation. Although the immediate threat has been reduced, the contamination of soil and water sources might have long-term effects. Several investigations are ongoing under the auspices of the Government.

49. The internally displaced population in Côte d'Ivoire is still estimated at 700,000 persons. Most have now been displaced for four years and live in dire social and economic conditions. The humanitarian community continues to provide protection and assistance to the displaced population under the leadership of the Office of the United Nations High Commissioner for Refugees (UNHCR). However, humanitarian access in western areas continues to be impeded by the presence of armed elements, in particular between Guiglo and Bloléquin. Nonetheless, an estimated 5,000 displaced persons have returned to 53 villages in the Toulépleu area.

50. By the end of September 2006, Côte d'Ivoire was still host to some 40,000 refugees, more than 98 per cent of whom are of Liberian origin. UNHCR expects to

repatriate about 22,000 of the Liberian refugees by the end of 2006. Many have requested to be resettled in third countries.

51. From 28 August to 24 September 2006, school examinations were held in all school districts in the areas controlled by the Forces nouvelles. The examinations were organized by the Ministry of Education with the support of United Nations agencies, UNOCI and non-governmental organizations. In a positive development, during 2006 several examination centres were under the direct supervision of the staff of the Minister of Education and elements of the Forces nouvelles.

52. Humanitarian assistance continues to be seriously underfunded in Côte d'Ivoire. In 2005, the humanitarian community appealed for $43.7 million under the Consolidated Appeal Process, but received only $13.6 million to implement projects under the Consolidated Appeal Process and $8.4 million through other channels. An additional $4.9 million have been allocated through the new Central Emergency Response Fund grant under "neglected underfunded emergencies", to finance critical projects in the areas of health, water and sanitation, and for the protection of internally displaced persons. The funding shortfalls affect not only humanitarian sectors but also recovery and reconciliation aspects of the road map. The 2007 Consolidated Appeal Process will seek $50 million to address humanitarian emergencies in Côte d'Ivoire.

VII. Impact of the crisis on the economic and social situation

53. The crisis has had a significant economic, social and regional impact. Its ripple effects are felt throughout the West African subregion, stifling trade and transportation, investment and growth, and regional integration. Nonetheless, Côte d'Ivoire remains a cornerstone of the regional economy, constituting about 40 per cent of the gross domestic product of the West African Economic and Monetary Union. Neighbouring countries, such as Burkina Faso, Mali and the Niger, continue to depend very heavily on the transport facilities of Côte d'Ivoire for imports and exports and on remittances from migrant nationals.

54. The recent increase in oil exports from Côte d'Ivoire has helped mitigate the considerable macroeconomic impact of the crisis. In 2005, oil exports earnings for the first time exceeded proceeds from cocoa/coffee as a result of high oil prices and new production capacity achieved in late 2005. Nevertheless, the negative political and security environments continue to impede the recovery of investments and economic activity. Inflation reached 4 per cent in 2005, compared with 1.5 per cent in 2004. A modest recovery began in 2004/05, with real annual growth averaging 1.8 per cent, owing to higher cocoa exports and a rise in petroleum output. A modest 2 per cent growth is anticipated for 2006. Meanwhile, foreign direct investments have decreased significantly and many foreign businesses have closed down or scaled down operations considerably pending the resolution of the crisis. The crisis has also resulted in the expansion of the informal economy and in an increase in smuggling, in particular of cocoa and diamonds, to neighbouring countries.

55. The conflict has also halted most structural reforms, leading to the deterioration of economic governance and transparency. Efforts have been made to maintain sound fiscal management; however, military and other expenditures are often financed and executed outside regularized fiscal channels.

56. On the social front, the crisis has increased the poverty rate, accounting for an estimated 44 per cent of the population. Youth unemployment remains extremely high. The delivery of basic social services has deteriorated, HIV/AIDS is endemic and the achievement of most Millennium Development Goals is seriously jeopardized. There has also been significant deterioration in Côte d'Ivoire's human development index: the country now ranks 163 of 177 countries rated.

57. As of the end of September 2006, the country's arrears to the World Bank reached about $350 million. Since November 2004, the Government has been in a non-accrual status vis-à-vis the World Bank, precluding any financial activity from the Bank, including funding for the disarmament, demobilization and reintegration programme. The agreement reached between the Government and the World Bank on the clearance of the arrears has not yet been implemented.

VIII. Human rights

58. The peace and reconciliation process in Côte d'Ivoire continues to be threatened by serious human rights violations committed with impunity by members of the Defence and Security Forces in the southern part of the country, members of the armed forces of the Forces nouvelles in the north, and members of armed and unarmed militia in both regions. The pattern of violations is still characterized by summary and extrajudicial killings, enforced disappearances, torture and other inhumane and degrading treatment, sexual violence and exploitation, including trafficking of women and children, interference with freedom of movement and freedom of expression, arbitrary arrests and detention and intercommunity violence. In Abidjan, during the period under review, several incidents involving the Young Patriots, sometimes armed, and members of the Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), resulted in serious violations of human rights, which were not prevented by law enforcement authorities.

59. Clashes over land disputes among different communities, respectively in Divo, Alepé and Yamoussoukro, led to killings, raping and burning of houses and plantations of the different communities. Other incidents of intercommunity violence were also reported in the zone of confidence and in the western part of the country. Restriction of freedom of movement continues to be a matter of concern in some regions. Several individuals suspected of being infiltrators or spies from the southern part of the country were arrested in Bouaké, Korhogo and Odienné. Meanwhile, UNOCI pursued its human rights advocacy and awareness-raising campaign, including through television programmes and periodical reports documenting human rights violations.

Child protection

60. UNOCI and UNICEF are in the process of ascertaining the claim of the Forces nouvelles that no more child combatants are associated with its forces in Bouaké and Katiola. The Forces nouvelles also sought UNOCI assistance in identifying and demobilizing children in other areas under their control. Advocacy efforts by UNOCI and PNDDR have resulted in four militia groups operating in the western part of the country (Front de libération du grand-ouest, Mouvement ivoirien pour la libération de l'ouest de la Côte d'Ivoire, Alliance patriotique-Wé and Union patriotique pour la résistance du grand-ouest) considering subscribing to a regional

action plan to end the association of children with their fighters, in application of Security Council resolutions 1539 (2004) and 1612 (2005).

IX. Role of the media in the crisis

61. UNOCI continues to monitor the media closely and has introduced a new media-monitoring programme on its radio station, ONUCI-FM. In collaboration with media monitoring bodies, it has also designed and elaborated a media road map aimed at improving the political environment through ONUCI-FM, UNOCI television programmes and the UNOCI website.

62. Segments of the local media continued to broadcast inflammatory statements. Some newspapers spread rumours of violence by the militias or alleged plans to attack and kill political leaders. Others called for mobilization against foreign nationals. During the period under review, UNOCI continued to monitor and report on hate media.

63. In August, President Gbagbo signed two decrees related to the mandates and powers of the National Press Council and the National Council on Audio-Visual Media and the institution of a press identification card. These measures are expected to contribute towards improving the media sector's legal framework, as the laws mandate sanctions against offenders, including the temporary closures of media houses. Meanwhile, UNOCI and the Office of the High Representative for the elections are working on the elaboration and adoption of a compulsory code of conduct for the media during the electoral period.

X. Gender issues

64. During the reporting period, UNOCI carried out gender awareness and induction training programmes for 26 male and 4 female police officers. UNOCI also assisted the Ministry of Family and Social Affairs in drafting a national gender policy, and in training the Ministry's personnel on gender issues. All UNOCI components are working to mainstream gender into their workplans.

XI. HIV/AIDS

65. In accordance with Security Council resolution 1308 (2000), UNOCI continued activities aimed at discouraging HIV/AIDS conducive behaviour among peacekeepers. Some 400 United Nations staff members received HIV/AIDS awareness training during this period, while 85 staff members underwent voluntary confidential counselling and testing. UNOCI also continued to foster strategic partnerships in the field of HIV/AIDS prevention, notably through the consortium of an HIV/AIDS network of non-governmental organizations in Côte d'Ivoire and with the Network of People Living with HIV/AIDS, the Alliance of Religious Leaders for the Fight against AIDS and with United Nations agencies.

XII. Conduct and discipline of United Nations personnel

66. During the reporting period, UNOCI remained proactive in implementing measures aimed at preventing sexual exploitation and abuse. In this regard, UNOCI is looking into cases of specific conditions that could lead to potential acts of misconduct, such as access to UNOCI military compounds and command responsibilities related to such access. Regular training on conduct and discipline issues is being provided to United Nations personnel.

67. The Conduct and Discipline Unit continued to receive allegations of misconduct and worked with the Office of Internal Oversight Services on investigations into allegations involving UNOCI personnel. A UNOCI hotline has been established to facilitate better access to the reporting mechanism.

XIII. Observations and recommendations

68. For the past four years, the international community has invested a considerable amount of resources to help the Ivorian parties take their country out of crisis. Despite these efforts the first transition period prescribed in the Linas-Marcoussis Agreement in January 2003, ended in October 2005 without elections and with no progress on the key issues of disarmament, dismantling of the militia, identification and reunification of the country. The extension of the transition period for an additional 12 months in October 2005 had created initial hope, in particular because of the commendable efforts of Prime Minister Banny to cultivate confidence and forge dialogue among the Ivorian political leaders as he set out to implement the mandate given to him under Security Council resolution 1633 (2005).

69. Thanks to Prime Minister Banny's political skills and perseverance, as well as the tremendous amount of time and energy exerted by the leaders of the region, in particular Presidents Mbeki, Olusegun Obasanjo and Sassou-Nguesso, with whom I have closely worked in the efforts to keep the peace process on track, the initial phases of the disarmament process, the dismantling of the militia, the identification of the population and the restoration of State authority throughout the country, were launched earlier in 2006. Thus, for the first time since the start of the conflict in Côte d'Ivoire, concrete steps have been taken to implement the core processes that are critical to the resolution of the crisis.

70. Regrettably, events have taken a negative and disappointing turn over the past three months. The manifest lack of political will by the main Ivorian political leaders, in particular their inability to transcend narrow personal and political interests, and to put the national interest first in addressing the core issue of the identification of the population, have created yet another major stalemate. At every critical turn of the peace process, some of the main political leaders have resorted to calculated obstruction of the peace process, exploiting loopholes in the peace agreements, using legal technicalities and often inciting violent acts by their followers. Consequently, the second transition period, like the first, is coming to a close without elections.

71. However, despite understandable frustrations, the international community should not abandon the Ivorian people. They deserve continued support in their quest for a lasting peace in their country and in the entire subregion. I therefore welcome the initiative taken by the ECOWAS leaders, who have developed

important recommendations concerning the way forward after the current transition period expires on 31 October. It is imperative for the African Union and the Security Council to capitalize and build upon the proposals of the ECOWAS leaders, in order to put in place the requisite measures to accelerate the peace process and guarantee the success of the anticipated new transition arrangements. This time, ECOWAS, the African Union and the United Nations can ill afford a transition period that again ends without elections.

72. In this context, it is my strong belief that the duration of the anticipated new transition should be determined strictly on the basis of the time required to complete the disarmament, demobilization and reintegration process, to conduct effective identification, to dismantle the militias, to re-establish State authority and to finalize the technical preparations for the elections. The lack of political will on the part of the Ivorian political leaders should not be allowed to impede progress again. To that end, it would be important to make it clear to those leaders that the envisaged further extension of the transition period should be the last. Should they again fail to move towards elections, ECOWAS, the African Union and the Security Council should consider putting in place transitional governance arrangements comprising eminent, non-partisan personalities from civil society to complete the remaining transition processes and conduct the long overdue elections, and thus address the aspirations of the Ivorians and the States of the region to bring lasting stability to the country.

73. As the Security Council considers the envisaged new transition arrangements, based on the recommendations of ECOWAS and the African Union, it is important to be mindful of the need to preserve and build upon the gains made so far, in particular on the delicate disarmament and identification processes. In this regard, the Council should consider preserving the agreed principle of concomitant implementation of disarmament and identification, and insisting on the resumption of the implementation of the pre-cantonment phase of the disarmament programme and the dismantling of the militia, on the basis of the already agreed procedures, with adequate resources and clear weapons criteria for the admission of individuals into the programme for dismantling the militia.

74. Without specific unambiguous guidance on the core issues concerning the issuance of certificates of nationality and the preparation of voters' lists, which are at the centre not only of the current impasse, but also of the conflict itself, the anticipated new transition process will, like the previous one, go through the same vicious cycles of endless stalemates. I therefore urge the Security Council to consider ways of addressing these crucial issues, taking into account the recommendations of ECOWAS and the African Union.

75. In addition, in order to eliminate the existing loopholes and avoid previously encountered obstacles, it would be essential for the Security Council to consider setting the following ground rules and safeguards: (a) international instruments that set out the special arrangements for the transition period (past and future Security Council resolutions, African Union and ECOWAS decisions, and peace agreements) should take precedence where there may be a divergence with the Ivorian Constitution and national laws; (b) the Prime Minister should have the necessary authority over all relevant public offices, as well as the Defence and Security Forces, for all issues pertaining to the implementation of the road map. He should also have control over the appointment of senior public officials and the high

command of the Defence and Security Forces; (c) all commanders of the Defence and Security Forces, as well as political leaders, should be held personally responsible for activities that disrupt the implementation of the road map, and should be subject to the imposition of individual sanctions by the Security Council in this regard, with the more serious cases referred to the International Criminal Court; (d) all parties should allow the Ivorian population and the impartial forces complete freedom of movement throughout the country; and (e) the Prime Minister should have full and unfettered authority to implement the disarmament programme, the identification process, the dismantling of the militia and the earliest re-establishment of State authority throughout the country and to commit the necessary funds to ensure the implementation of those key processes. It is also obvious that for the peace process to succeed, articles 35 and 48 of the Constitution should not be invoked during the transition period in respect of these key processes.

76. With regard to the transition institutions, it would be important to establish, under the Prime Minister's authority, two task forces, respectively, on the restructuring of the defence and security force, and on the identification process. Both task forces would comprise representatives of the Ivorian parties, the Prime Minister's office and the impartial forces, as well as other relevant partners. It is also important to ensure that the Independent Electoral Commission has the final authority on the electoral process during the transition period, and that the National Institute of Statistics operates under the direct oversight of the Independent Electoral Commission. The composition of these bodies should be reviewed by the Prime Minister, who should take the final decision on the new appointments, in order to ensure their total impartiality. This process would be certified by the High Representative for the elections.

77. With regard to the role of the international community, I recommend that the United Nations have an enhanced role in supporting and implementing the key processes of disarmament, identification, the re-establishment of State authority, the dismantling and disarmament of the militias and the technical preparations for the elections. In this context, it would be necessary for the Council to review the mandate of UNOCI and to augment its resources. It is also important for the Security Council to closely monitor the implementation of the road map during the new transition period, in particular, with a view to imposing targeted sanctions against those obstructing the peace process, or seizing the International Criminal Court.

78. Concerning the electoral process, it is imperative to ensure that the High Representative for the elections has the authority to make binding determinations on all issues pertaining to the electoral process, including those aspects of the peace agreements relating to electoral matters. Each stage of the electoral process should be certified by the High Representative. In this regard, I regret to report that, despite generous contributions received from the European Commission, France, Norway, Spain, Switzerland and the United Kingdom of Great Britain and Northern Ireland during 2006, the available resources remain inadequate to sustain the Office of the High Representative. Considering the crucial role of the High Representative in the peace process, in particular in the next phases, it is my intention, as indicated in my eighth report on UNOCI (S/2006/222), to seek the approval of the General Assembly for the use of assessed contributions to fund his office.

79. The role of ECOWAS and the African Union in supporting the new transition process will be equally critical. It is important for these two regional bodies to forge unity among the regional actors and mediators. In this regard, I urge the Chairmen of ECOWAS and the African Union to ensure that all mediation efforts are harmonized and properly coordinated.

80. I am pleased to note that at the extraordinary summit held on 6 October 2006 in Abuja, the ECOWAS leaders came up with concrete recommendations on the way forward in Côte d'Ivoire, which have already been conveyed to the African Union. It is my fervent hope that in reviewing those recommendations, the planned summit of the Peace and Security Council of the African Union will come up with clear decisions that would meet the imperatives outlined above for effective and expeditious implementation of the peace process.

81. In conclusion, I would like to commend my Special Representative, Pierre Schori, the High Representative for the elections, Gérard Stoudmann, and the civilian and military staff of UNOCI for their continued efforts in support of sustainable peace in Côte d'Ivoire. Similarly, I would like to express my gratitude to the United Nations country team, the humanitarian and development organizations and the bilateral donors and the countries that are contributing troops and police personnel to UNOCI, as well as to the African Union and the Economic Community of West African States, for their invaluable contributions to the peace process.

Annex

United Nations Operation in Côte d'Ivoire: military and civilian police strength as at 6 October 2006

Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Formed police unit*	*Civilian police*
Argentina						4
Bangladesh	11	9	2 738	2 758	250	
Benin	7	7	421	435		27
Bolivia	3			3		
Brazil	4	3		7		
Cameroon						61
Canada						2
Central African Republic						7
Chad	3			3		5
China	7			7		
Croatia	3			3		
Djibouti						39
Dominican Republic	4			4		
Ecuador	2			2		
El Salvador	3			3		1
Ethiopia	2			2		
France	3	14	171	188		10
Guatemala	5			5		
Ghana	6	7	529	542		1
Gambia	3			3		
Guinea	3			3		
India	8			8		
Ireland	2			2		
Jordan	7	11	1 050	1 068	375	4
Kenya	4	5		9		
Madagascar						6
Morocco	1	3	732	736		
Namibia	3			3		
Nepal	3			3		
Niger	6	3	372	381		71
Nigeria	7			7		11
Pakistan	10	9	1 110	1 129		2
Paraguay	9	2		11		
Peru	3			3		
Philippines	4	3		7		6

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Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Formed police unit*	*Civilian police*
Poland	2			2		
Republic of Moldova	4			4		
Romania	7			7		
Russian Federation	11			11		
Rwanda						15
Senegal	7	8	319	334		18
Serbia	3			3		
Switzerland						2
Togo	6	4	314	324		1
Tunisia	5	2		7		
Turkey						19
Uganda	4	3		7		
United Republic of Tanzania		1		1		
Uruguay	1	1		2		6
Vanuatu						4
Yemen	6			6		2
Zambia	2			2		
Total	**194**	**95**	**7 756**	**8 045**	**625**	**324**

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